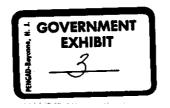
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

D'WAYNE CARPENTER, PETITIONER,)))
v.) Civil Action No. 04-CV-40043(WGY)
DAVID L. WINN, ET AL RESPONDENT.)))

DECLARATION OF ANDREA KING-WESSELS

- I, Andrea King-Wessels, hereby make the following declaration:
- I am employed by the United States Department of Justice, Federal Bureau of Prisons, at the Mid-Atlantic Regional Office in Baltimore, Maryland, as the Regional Community Corrections Administrator. I have been employed with the Bureau of Prisons since June 16 of 1978. I have been in my current position since January of 2003. Prior to my current position I've held Associate Warden, Management and Specialty Training Center Director, Deputy Assistant Director of Industries and Education as well as various other positions.
- 2. As the Regional Community Corrections Administrator for the Mid-Atlantic Region, I supervise the Raleigh, Nashville and Baltimore Community Corrections Management Offices. This includes management and administration of pre-release programs within the Bureau of prisons, to include Community Correction Centers. The supervision and management of pre-release placements to the District of Columbia and surrounding areas are within my jurisdiction.
- 3. In this position I supervise the Community Corrections Managers within these offices. Their responsibilities as CCM include overseeing the processing of recommendations from Federal prisons for placement of inmates in Community Corrections Centers ("CCCs") in their respective areas. A CCM Office conducts an independent review all of the information relevant to the CCC placement decision for each inmate, selects an appropriate target placement date in accordance with BOP policy, and forwards the placement request to the appropriate CCC for approval and acceptance of the inmate.



- 4. I am aware of the habeas corpus petition pending before this Court under the above docket number. I have been involved in and am fully aware of the efforts to place Inmate Dwayne Carpenter, Reg. No. 05823-016, in some form of pre-release placement, to specifically include home confinement or a community corrections center.
- 5. The office from which a pre-release placement for the District of Columbia area would be approved and supervised by is the Baltimore Community Corrections Management (CCM) Office. That office supervises the Districts of Maryland, Delaware, West Virginia, and the District of Columbia.
- 6. An initial Institutional Referral for CCC Placement was submitted by FMC Devens staff to the Baltimore CCM Office on or about November 20, 2003. That referral recommended Mr. Carpenter for a CCC placement on or after April 16, 2004. Subsequent to the review of this referral, a tentative placement date of April 16, 2004 was approved by the Baltimore CCM office for this inmate to the Hope Village Community Correction Center in Washington, D.C. And on December 2, 2003, the Administrative Director for Hope Village approved that referral and indicated a tentative placement acceptance date of April 20, 2004.
- 7. Subsequently, the Baltimore CCM Office, upon it's placement preparation, discovered that Mr. Carpenter's medical condition had changed from the initial review and tentative approval. Specifically, he was placed on a program of dialysis treatment three times a week, in conjunction with his other medical conditions. As a result of discovering this information, the Baltimore CCM Office notified the Unit Team Staff at FMC Devens, of a change in Mr. Carpenter's tentative placement date from April 16th to June 16th, 2004. This change was done via e-mail notification on March 17, 2004. That change to June 16th was done by the Bureau of Prisons CCM Office, prior to consultation with the particular CCC contract facility, Hope Village.
- 8. Following new medical concerns with regard to Mr. Carpenter, his CCC placement was rescinded based upon the revocation of medical clearance by FMC Devens because further medical issues needed to be addressed.
- 9. On or about July 12, 2004, the Baltimore CCM Office, once again received an Institutional Referral for CCC Placement from FMC Devens. This referral recommended placement to home confinement on or after July 26, 2004. This new referral also updated the CCM Office on the progression of Mr. Carpenter's medical issues and provided that he was now medically cleared for re-consideration to a pre-release placement.
- 10. Upon receipt of the referral, the Baltimore CCM Office, with full knowledge of the pending habeas corpus petition, made every effort to locate a pre-release placement for Mr. Carpenter. Although the recommendation included a home confinement request, any inmate considered for home confinement throughout the District of Columbia, must initially be placed at a CCC

for purposes of orientation and needs assessment. Therefore, to my knowledge, no inmate has gone directly from a BOP institution to home confinement in Washington, D.C. The procedure utilized requires a placement to a CCC first.

- 11. There are six CCC's available throughout the Washington, D.C. area, one of which is for females only. BOP staff contacted each and every one of these contract facilities in an effort to get approval for a placement, however short, for Mr. Carpenter. However, each one completed the appropriate form indicating that they are unable to accept this inmate due either to his current medical condition and/or due to the lack of available bed space within their facility. See Attached BOP Community Corrections Referral for CCC Placement forms, Documents A through E.
- 12. Because of the inability to place Mr. Carpenter in a CCC within the District of Columbia, the Bureau of Prisons is unable to accommodate any pre-release placement for him in this area. Based upon the efforts made in this case, I can attest that we have exhausted every avenue for such a placement.

I declare the foregoing is true and correct to the best of my knowledge and belief, and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this day of August, 2004

Andrea King-Wessels

Regional Community Corrections Administrator

Mid-Atlantic Regional Office

Exhibit 3
Attachment A

JUL-16-2004 02:32 TRANSITIONAL SERVICES POR BOP COMMUNITY CORRECTIONS REFERRAL FOR CCC PLACEMENT

FROM:	Federal Bureau of Prisons Linda Moore, Community Corrections Manager 10010 Junction Drive, Suite 100-A Annapolis Junction, MD 20701 (301) 317-3280	D Bannum 3VF D Meets Co Pre-Rei 2AF D Fullmer 3GE D Mint 3VZ G Bannum 3QH D Suncx 3UT Q VOA 3GS Hope Village 1F3 O Shew 2 3CV EFFC 2FH 2AAD Comm Core 3CX D Bannum 1FF 2EED D Fairview 1AC Date Sent to CCC: 7/1 1/2 / 24C
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Exhibit 3
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BOP COMMUNITY CORRECTIONS REFERRAL FOR CCC PLACEMENT

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